

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

ROBERT VALADEZ,)	
)	
Petitioner)	
)	
v.)	No. 3:06cv0838 AS
)	
MR. WILSON, Superintendent,)	
)	
Respondent)	

MEMORANDUM, OPINION AND ORDER

On or about December 27, 2006, *pro se* petitioner, Robert Valadez, an inmate at the Wabash Valley Correctional Facility (WVC) in Carlisle, Indiana, filed a petition seeking relief under 28 U.S.C. §2254. The Response filed on behalf of the respondent by the Attorney General of Indiana on April 24, 2007, demonstrates the necessary compliance with *Lewis v. Faulkner*, 689 F.2d 100 (7th Cir. 1982).

The petitioner is a convicted felon serving a sentence imposed by a court in the State of Indiana. At the time of the filing of this petition he was incarcerated in the WVC which is not in the territorial area of this district. It appears there are proceedings which are the appropriate subject of this court's jurisdiction which involve this petitioner. He was the subject of two prison disciplinary proceedings at the Westville Correctional Center, Westville, Indiana, designated as WCU 06-10-0171 and WCU 06-10-0172. There has been compliance here with *Lewis v. Faulkner*, 689 F.2d 100 (7th Cir. 1982). The basic

constitutional standards involved here are found in *Wolff v. McDonnell*, 418 U.S. 539 (1974). It is also incumbent upon this petitioner to make presentation under *Markham v. Clark*, 978 F.2d 993 (7th Cir. 1992). This petitioner is hard pressed to make a claim for double jeopardy out of the Fifth Amendment of the Constitution of the United States here. See the Seventh Circuit analysis in *Niam v. Ashcroft*, 354 F.3d 652 (7th Cir. 2004) and this court's opinion in *Rowold v. McBride*, 973 F.Supp. 829, 834 (N.D. Ind. 1997). It appears that this petitioner has received the benefits of such due process to which he is entitled. This court does not bottom any decision here on harmless error.

The petition for relief under 28 U.S.C. §2254 is now **DENIED. IT IS SO ORDERED.**

DATED: July 31, 2007

S/ ALLEN SHARP

ALLEN SHARP, JUDGE
UNITED STATES DISTRICT COURT